

IC 34-25.5-2

Chapter 2. Application for Writ

IC 34-25.5-2-1

Application for writ; contents

Sec. 1. (a) Application for the writ must be made by complaint, signed and verified either by:

- (1) the applicant; or
- (2) some person on the applicant's behalf.

(b) The complaint must specify the following:

- (1) Who is restraining the applicant's liberty, the place where the applicant is being held, and the names of all the parties, if they are known, or descriptions of them if they are not known.
- (2) The cause or pretense of the restraint, according to the best of the knowledge and belief of the applicant.
- (3) If the restraint is alleged to be illegal, the nature of the illegality.

As added by P.L.1-1998, SEC.21.

IC 34-25.5-2-2

Courts and judges authorized to grant writ

Sec. 2. (a) Writs of habeas corpus may be granted by:

- (1) the circuit or superior courts of the county in which the person applying for the writ may be restrained of his or her liberty, or by the judges of those courts; or
- (2) if the judges described in subdivision (1) are:
 - (A) absent from their circuits; or
 - (B) by reason of sickness or other cause, unable or incompetent to hear and determine the application for the writ;

then by any judge of an adjoining circuit.

(b) Upon application, a writ granted under subsection (a) shall be granted without delay.

As added by P.L.1-1998, SEC.21.

IC 34-25.5-2-3

Criminal circuit judges authorized to grant writ

Sec. 3. The criminal circuit judges in Indiana may:

- (1) issue writs of habeas corpus within their respective counties;
- (2) hear and determine writs of habeas corpus in favor of all persons arrested and held upon any charge in violation of Indiana criminal laws; and
- (3) admit to bail, or discharge the prisoner;

in the same manner, to the same extent, and under the same rules and regulations as judges of the circuit courts are authorized by law to do.

As added by P.L.1-1998, SEC.21.

IC 34-25.5-2-4

Contents of writ

Sec. 4. The writ shall be directed to the office or party restraining the applicant, commanding the party to have the applicant before the court or judge, at the time and place the court or judge directs, to do and receive the court's order concerning the applicant.

As added by P.L.1-1998, SEC.21.